

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated August 7, 2006.

Claim 3 is canceled without prejudice or disclaimer. Therefore, claims 1, 2 and 4-6 are the claims currently pending in the present application.

Claims 1, 2 and 5 are amended to clarify features recited thereby.

Applicant respectfully requests that the Examiner acknowledge the claim for foreign priority and the receipt of the priority document.

Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statement filed March 31, 2004.

### ***Objection to the Drawings***

In the Office Action, the Drawings are objected to on the ground that they fail to show every feature of the invention recited in the claims on the ground that “independent rotary portion” and “plurality of rotating mechanisms similar to the first-mentioned rotation mechanism” are not shown.

With respect to the “independent rotary portion”, claim 3 is canceled without prejudice or disclaimer. Therefore, this portion of the objection is moot.

With respect to “plurality of rotating mechanisms similar to the first-mentioned rotation mechanism,” it is respectfully submitted that for example, the joint portion 31 of Figure 4, shows a joint shaft 36 substantially parallel to the axis 06, and L-shaped couplers 34 and 35 opposed to each other and other features described for example on page 16 and 17 of applicant’s disclosure. Therefore, it is respectfully submitted that the term “plurality of rotating mechanisms similar to the first-mentioned rotation mechanism” is shown in the Drawings. Accordingly, the objection should now be withdrawn.

### ***Rejection of Claims 3 and 5 under 35 U.S.C. § 112, First Paragraph***

Claims 3 and 5 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 3 is canceled without prejudice or disclaimer, therefore the rejection is moot with respect to this claim.

With respect to the rejection of claim 5, as discussed with respect to the objection to the Drawings, a joint portion 31 is shown for example in Figure 4. Therefore, this rejection should now be withdrawn.

***Rejection of Claim 5 under 35 U.S.C. § 112, Second Paragraph***

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite on the ground that the term “similar to” is unclear or ambiguous.

Claim 5 is amended. Therefore, that rejection should now be withdrawn.

***Rejection of Claims 1-4 and 6 under 35 U.S.C. § 102***

Claims 1-4 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi, U.S. Patent No. 5, 689,365. Reconsideration of this rejection is respectfully requested.

For at least the following reasons, claim 1 is neither anticipated by nor obvious from the cited art. By way of example, independent claim 1 requires a rotation mechanism comprising a rotary shaft operable to rotate even when the engagement unit is engaged with the at least one joint portion.

Takahashi discloses a stereoscopic-vision endoscope which allows adjustment during viewing by rotation of the operation unit 3 (Fig. 7) relative to the insertional part 2, by rotating the rotary unit 16 relative to the fixed main optical system 14 of the endoscope (Takahashi, column 7, lines 41-46). Thus, Takahashi addresses the problem that using a conventional stereoscopic vision endoscope the viewer may be confused when the direction of the image apparent is inconsistent with the direction of the region to be viewed (Takahashi, column 2, lines 44-64), and discloses an imaging unit coupled to the proximal end of the insertional part, such that the imaging unit can be rotated relative to the insertional part to correct the direction of images viewed (Takahashi, column 3, lines 30-37).

Takahashi does not disclose or suggest a rotation mechanism with an independent rotary portion which can rotate even if the engagement means is mechanically engaged with the at least one joint portion. First, Takahashi does not disclose or suggest an engagement unit that engages with a joint portion. That is, Takahashi does not disclose or suggest a support unit with a joint portion that engages with an engagement unit. The Examiner alleges that reference numeral 2 of Fig. 7 of Takahashi discloses a support unit. However, Takahashi makes clear that reference

numeral 2 is the insertional part housing the main optical system 14, the rotary unit 16 and other optical and camera elements (Takashi, column 7, lines 8-46).

Further, since Takahashi does not disclose or suggest a joint portion, Takahashi is incapable of disclosing or suggesting a rotary shaft operable to rotate even when the engagement unit is engaged with the joint portion, as *inter alia*, required by independent claim 1. Among the problems recognized and solved by applicant's claimed invention is that a surgeon or other operator of an endoscope may wish to adjust the stereoscopic view without disturbing the insertion point or other orientation of the stereoscopic endoscope system. According to an aspect of applicant's claimed invention, the rotary shaft may be rotated even when the remaining joint portions, including the joint portion of the support unit are locked into a position. The cited art does not disclose or suggest the problems recognized and solved by applicant's claimed invention. Therefore, Takahashi does not disclose or suggest the recitation of independent claim 1.

Claims 2, 4 and 6 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Accordingly, claims 2, 4 and 6 are patentably distinguishable over the prior art for at least the same reasons.

#### ***Rejection of Claims 1-3, 5 and 6 under 35 U.S.C. § 103***

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. § 103 as being obvious from Mizuno et al., U.S. Patent No. 6,120,433 in view of Takahashi. Reconsideration of this rejection is respectfully requested.

Mizuno discloses a surgical manipulator system in which a medical device is held by a slave manipulator that can be removed from a body cavity and a controller that moves the slave manipulator or the medical device, or both, such that the axis of the medical device passes a fulcrum fixed in space even before the medical device is inserted into the body cavity (Mizuno, Abstract).

Mizuno does not disclose or suggest a support unit having a rotary shaft and a joint portion and an engagement unit such that the rotary shaft is operable to rotate even when the engagement unit is engaged with the at least one joint portion, as *inter alia*, required by independent claim 1. That is, the cited art does not disclose or suggest a support unit that includes the engagement unit adapted to a disengageably engaged with a joint portion, as well as a rotary shaft as part of the

support unit, such that the rotary shaft may be rotated even when the engagement unit is engaged with the joint portion. Therefore, Mizuno and Takahashi, even taken together in combination, do not disclose or suggest the recitation of independent claim 1.

Claims 2, 4 and 6 depend from independent claim 1 and thus incorporate novel and nonobvious features thereof. Accordingly, claims 2, 4 and 6 are patentably distinguishable over the prior art for at least the same reasons.


In view of the foregoing discussion, reconsideration of the rejections is respectfully requested and allowance of the claims of the application is believed to be warranted.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Should the Examiner have any questions regarding the present Amendment or regarding the application generally, the Examiner is invited to telephone the undersigned attorney at the below-provided telephone number.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
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Respectfully submitted,

  
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